

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 235

WEDNESDAY, 26 SEPTEMBER 2012

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

2. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Second Public Sector Performance Report (Report No. 11) (September 2012) 5036

Minister for Finance

Annual Reports -

Building Management Authority (2011–2012) (Date received 25/09/12)..... 5037

Coastal Shipping Commission [Stateships] (2011–2012) (Date received 25/09/2012) 5038

Finance, Department of (2011–2012) (Date received 25/09/12) 5039

Government Employees Superannuation Board [GESB] (2011–2012)
(Date received 25/09/2012)..... 5040

Insurance Commission (2011–2012) (Date received 25/09/2012)..... 5041

Main Roads (2011–2012) (Date received 25/09/2012) 5042

Public Transport Authority (2011–2012) (Date received 25/09/2012) 5043

State Finances (2011–2012) (Date received 26/09/12) 5044

State Supply Commission (2011–2012) (Date received 25/09/2012) 5045

Treasury Corporation (2011–2012) (Date received 25/09/12)..... 5046

WorkCover (2011–2012) (Date received 25/09/2012)..... 5047

Minister for Education

Annual Reports —

Acacia Prison Services Agreement (2011–2012) (Date received 25/09/2012) 5048

Court Security and Custodial Services (2011–2012) (Date received 25/09/2012) 5049

Fire and Emergency Services Authority (2011–2012) (Date received 25/09/2012) 5050

Minister for Child Protection

Annual Reports —

Local Government, Department of (2011–2012) (Date received 25/09/2012)..... 5051

Meat Industry Authority (2011–2012) (Date received 25/09/2012) 5052

National Trust of Australia (WA) (2011–2012) (Date received 25/09/2012).....	5053
Perth Market Authority (2011–2012) (Date received 25/09/2012).....	5054
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Minister for Mental Health

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Disability Services Commission (2011–2012) (Date received 25/09/2012)	5056
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Local Health Authority Analytical Committee (2011–2012) (Date received 25/09/2012)	5058
Mental Health Commission (2011–2012) (Date received 25/09/2012)	5059
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Queen Elizabeth II Medical Centre Trust (2011–2012) (Date received 25/09/2012)	5061
Reproductive Technology Council (2011–2012) (Date received 25/09/2012).....	5062

Attorney General

Annual Reports —

Police, Western Australia (2011–2012) (Date received 25/09/2012)	5063
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Parliamentary Secretary representing the Minister for Regional Development

Annual Reports —

Gascoyne Development Commission (2011–2012) (Date received 25/09/12).....	5064
Goldfields-Esperance Development Commission (2011–2012) (Date received 25/09/2012)....	5065
Great Southern Development Commission (2011–2012) (Date received 25/09/2012).....	5066
Kimberley Development Commission (2011–2012) (Date received 25/09/2012)	5067
Landgate (2011–2012) (Date received 25/09/12)	5068
LandCorp (2011–2012) (Date received 25/09/2012)	5069
Mid West Development Commission (2011–2012) (Date received 25/09/2012).....	5070
Peel Development Commission (2011–2012) (Date received 25/09/2012)	5071
Pilbara Development Commission (2011–2012) (Date received 25/09/2012).....	5072
Regional Development Trust (2011–2012) (Date received 25/09/2012)	5073
South West Development Commission (2011–2012) (Date received 25/09/2012)	5074
Wheatbelt Development Commission (2011–2012) (Date received 25/09/12)	5075

Proposals —

Land Administration Act 1997 — Submission No. 10/2012 — Cancellation of Class A Reserve 24331 to facilitate the redevelopment of the Manning Community Hub	5076
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3. State Suicide Prevention Strategy

Motion No. 1 having been called, debate resumed on the amendment of the Minister for Mental Health as follows —

To delete all words after “House” and insert —

commends the Barnett Government for its election commitment to spend \$13 million to develop a comprehensive Western Australian State Suicide Prevention Strategy with a particular emphasis on young people, young men, Aboriginal people and people who live in rural and regional Western Australia, and notes the comprehensive analysis being undertaken by Edith Cowan University into the rate of suicide and all other aspects of suicide in Western Australia.

to the motion of Hon Ljiljanna Ravlich as follows —

That this House condemns the Barnett Government for its failure to honour its election commitment to spend \$13 million in the first two years of government to develop a comprehensive WA State Suicide Prevention Strategy with a particular emphasis on young people, young men, Aboriginal people and people who live in rural and regional Western Australia, and calls on the Government to support a coronial investigation into the rate of suicide.

Amendment — put and passed.

Motion, as amended, agreed to.

4. Universal Child Health Checks

Motion No. 2 having been called, Hon Linda Savage, pursuant to notice, moved —

That this Council calls on the Government to implement the recommendations of the Auditor General's Report 11, November 2010, *Universal Child Health Checks*.

Interruption pursuant to order.

5. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Colin Holt in the Chair)

Joint Standing Committee on Delegated Legislation — Report No. 56 — The Ability to Conduct Electronic Meetings and the Trial of iPads by Committee Members

Hon Jim Chown moved, That the Report be noted.

Debate ensued.

6. Questions Without Notice

Questions without notice were taken.

7. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 5 above*).

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Joint Standing Committee on Delegated Legislation — Report No. 56 — The Ability to Conduct Electronic Meetings and the Trial of iPads by Committee Members

Debate resumed on the motion of Hon Jim Chown, That the Report be noted.

Question — put and passed.

Standing Committee on Environment and Public Affairs — Report No. 27 — Petition No. 161 — Requesting the Review of Laws Pertaining to Domestic Violence

Debate resumed on the motion of Hon Brian Ellis, That the Report be noted.

Question — put and passed.

The President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on Delegated Legislation — Report No. 56 — The Ability to Conduct Electronic Meetings and the Trial of iPads by Committee Members and had noted same.

- (2) Standing Committee on Environment and Public Affairs — Report No. 27 — Petition No. 161 — Requesting the Review of Laws Pertaining to Domestic Violence and had noted same.

Report adopted.

8. Order of Business

Ordered — That Bills for Introduction be taken forthwith. (Leader of the House).

9. School Education Amendment Bill 2012

The Leader of the House on behalf of the Minister for Education, pursuant to notice, moved —

That a Bill for “An Act to amend the *School Education Act 1999* and to make consequential amendments to the *School Curriculum and Standards Authority Act 1997*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House on behalf of the Minister for Education moved, That the Bill be read a second time.

The Leader of the House on behalf of the Minister for Education tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 5077).

Debate stands adjourned.

10. Aboriginal Affairs Planning Authority Amendment Bill 2012

The Minister for Indigenous Affairs, pursuant to notice, moved —

That a Bill for “An Act to amend the *Aboriginal Affairs Planning Authority Act 1972* and to consequentially amend the *Unclaimed Money Act 1990*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Indigenous Affairs moved, That the Bill be read a second time.

The Minister for Indigenous Affairs tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 5078).

Debate stands adjourned.

11. Courts Legislation Amendment Bill 2012

The Attorney General, pursuant to notice, moved —

That a Bill for “An Act to amend —

- the *Criminal Procedure Act 2004*; and
- the *Magistrates Court (Civil Proceedings) Act 2004*.”

be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Attorney General moved, That the Bill be read a second time.

The Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 5079).

Debate stands adjourned.

12. Standing Committee on Uniform Legislation and Statutes Review — Report No. 74 — Child Support (Adoption of Laws) Amendment Bill 2012

Hon Adele Farina presented Report No. 74 of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Child Support (Adoption of Laws) Amendment Bill 2012*. (Tabled Paper 5080).

13. Mining Rehabilitation Fund Bill 2012

The President reported the receipt of Message No. 275 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Mines and Petroleum moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Mines and Petroleum moved, That the Bill be read a second time.

The Minister for Mines and Petroleum tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 5082).

Debate stands adjourned.

14. Mining Rehabilitation Fund Amendment Bill 2012

The President reported the receipt of Message No. 276 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Mines and Petroleum moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Mines and Petroleum moved, That the Bill be read a second time.

The Minister for Mines and Petroleum tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 5081).

Debate stands adjourned.

15. Order of Business

Ordered — That Orders of the Day Nos 1, *Mindarie Regional Council Standing Orders Amendment Local Law 2012 — Disallowance*, 2, *City of Bayswater Standing Orders Local Law 2012 — Disallowance*, 3, *City of Perth Standing Orders Amendment Local Law 2012 — Disallowance*, 4, *Pawnbrokers and Second-hand Dealers Amendment Regulations 2012 — Disallowance*, 5, *Security and Related Activities (Control) Amendment Regulations 2012 — Disallowance*, 6, *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012 — Disallowance*, and 7, *Submission No. 13/2012 — Amendment to Class A Reserve 8485 and Cancellation of Class A Reserve 28535 — Disallowance*, be taken after Order of the Day No. 16, *Disability Services Amendment Bill 2012*. (Leader of the House).

16. Retirement Villages Amendment Bill 2012

The Order of the Day having been read for the third reading of this Bill.

The Minister for Commerce moved, That the Bill be read a third time.

The Deputy President having reported that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

17. Sentencing Amendment Bill 2012

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Question — put.

The Council divided.

Ayes (25)

Hon Matt Benson-Lidholm
 Hon Helen Bullock
 Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Ed Dermer
 Hon Kate Doust
 Hon Wendy Duncan
 Hon Sue Ellery
 Hon Philip Gardiner
 Hon Nick Goiran
 Hon Nigel Hallett
 Hon Alyssa Hayden

Hon Col Holt
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Ljiljanna Ravlich
 Hon Linda Savage
 Hon Sally Talbot
 Hon Ken Travers
 Hon Max Trenorden
 Hon Ken Baston (*Teller*)

Noes (3)

Hon Giz Watson
 Hon Alison Xamon

Hon Robin Chapple (*Teller*)

Question thus passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Attorney General moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

18. Revenue Laws Amendment Bill 2012

The Order of the Day having been read for the consideration of this Bill in Committee of the Whole House.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Minister for Finance moved, That the Bill be read a third time.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

19. Criminal Investigation (Covert Powers) Bill 2011

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Deputy President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Postponed Clause 80.

Debate ensued.

Interruption pursuant to order.

The President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and sought to sit again.

Ordered — That the Committee of the Whole House sit again.

20. Members' Statements

Statements were taken.

21. Adjournment

The Council adjourned at 10.08pm until Thursday, 27 September at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Phil Edman, Hon Brian Ellis, Hon Donna Faragher and Hon Jon Ford.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council